

## **RIGHTS RESPONSIBILITIES**

1. The Affidavit of Parentage is a legal document and constitutes a legal finding of paternity.
2. Signing the Affidavit to establish paternity is voluntary – another way to establish paternity is to seek a court order through the service of a private attorney or your local child support office.
3. You have a right to seek genetic testing. If you have doubts about the biological father you should not sign the Affidavit.
4. The legal parents of a minor child are the joint natural guardians and are jointly responsible for the child. This means that the child will be able to benefit from the parents' health care coverage, inheritance, Social Security or Veterans benefits, if eligible.
5. The Affidavit created legal rights and obligations relating to the child, and may impact custody, child support and visitation.
6. It may be beneficial to talk to a lawyer before signing the Affidavit.
7. The personal information requested is required to establish paternity and /or enable the Division of Vital Records to contact a parent in the event that the information provided on the Affidavit is insufficient.
  - a. The Affidavit will be filed with the Division of Vital Records, and will be available upon request to the parents, the legal guardian, and the Child Support Enforcement Administration. The information provided in the Affidavit may be used by the Child Support Enforcement Administration to assist in providing child support services to either parent.
  - b. The legal finding of paternity, established by completion of the Affidavit, can be reserved only if:
    - i. Within 60 days of signing, either party named in the Affidavit signs a written rescission. You may obtain a rescission from by calling the Maryland Department of Health and Mental Hygiene, Division of Vital Records at (410)764-3182;
    - ii. Within 60 days of signing, either party named in the Affidavit appears in court in a proceeding related to the child and informs the court of his or her decision to rescind; or
    - iii. After the expiration of the 60day period, a court orders a rescission after the party challenging the affidavit proves fraud, duress, or material mistake of fact.
  - c. Rescission of the Affidavit will terminate the father/child relationship, but court action will be necessary to remove the man's name from the birth certificate.
  - d. If you challenge the Affidavit in court after the 60 day period, your legal responsibilities for the child, including child support obligations, will continue unless and until a court relieves you of those responsibilities